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BY THE HOUSE OF DELEGATES,

February 29th, 1884.

Read and referred to Committee on Chesapeake Bay and its Tributaries, and ordered to be printed.

By order,

THOS. H. MOORE,

Chief Clerk.

REPORT

—OF—

G. W. DELAWDER,

Commissioner of Fisheries

WESTERN SHORE.

Under Order Adopted by House of Delegates, February 20th, 1884.

ANNAPOLIS:
JAMES YOUNG, State Printer.

1884.

REPORT.

To the House of Delegates of Maryland :

In accordance with an order adopted by your Honorable Body on the 20th day of February, A. D., 1884, calling upon the "Fish Commissioner of the Western Shore to furnish the House with a full statement, and what progress he has made in erecting fish-ways or ladders over the canal dams on the Potomac River, and the cause of the unnecessary delay, and what funds he expended in erecting them under chapter 440 of the Act 1882."

I, G. W. Delawder, the Commissioner of Fisheries of the Western Shore of Maryland, beg leave to submit the following report including copies of letters, contracts and receipts, the original of which are in my possession, and will be submitted for inspection and verification if desired.

In the discharge of my duty under the Act of 1882, Chapter 440, in the first place, I made a personal examination of all the fish-ways or ladders, which had been patented in the United States, and acquired all the information in reference thereto, which was accessible to me.

After making this examination, and obtaining the information referred to, I determined to adopt the MacDonald fish-way or ladder, manufactured and sold by the MacDonald Fish-way Company, which had been patented by M. MacDonald.

I here submit a letter received by me from M. MacDonald, on the subject in hand, as follows :

WASHINGTON, D. C., August 8th, 1882.

G. W. DELAWDER,

Commissioner of Fisheries for Maryland,

Dear Sir :

Yours of the 7th instant reached me by the boat this morning, I will be glad to give you any information in my power, in the matter referred to in your letter. It will be well to have a personal interview in regard to these matters.

The cost of the fish-ways will depend upon location, dimensions, height of dam, &c., and until I am informed in regard to these particulars I cannot give you the definite information you need before entering upon construction. In regard to cost, you may get some basis of estimates from the fish-way on the Rappahannock, that is over a dam 19 feet high and has seven feet clear waterway. It is built of timber and wrought iron.

It is sheltered behind the abutment of the dam, and being thus sheltered from floods and ice, is built of somewhat higher materials than I should have used had the location been exposed. This fish-way was built according to plans furnished by me and cost something less than \$800, though only completed late in the season, large numbers of rock and bass and all the river fish have passed over it. I leave here on Saturday night for Washington, where I shall remain Sunday and Monday, I leave then for Berryville, Clarke Co., Va., to spend a month's vacation, if you will write me I can arrange to meet any appointment that will suit your convenience. If you desire I could meet you at Deer Park, Cumberland, or any other point along the river.

If you have the particulars of the height and location of the dams, I would be glad to know them at once.

Very truly yours,

M. MACDONALD.

Should you desire to meet me in Washington, on Monday or Tuesday of the week ensuing, please telegraph S. C. Brown, Smithsonian Institute, Washington, D. C., who will inform me.

I here submit another letter from M. MacDonald as follows:

BERRYVILLE, CLARKE Co., Va., August 29th, 1882.

G. W. DELAWDER,

Commissioner of Fisheries, Oakland, Md.

Dear Sir:

I returned on Saturday from examination of Dam No. 4. The dam just below Shepherdstown is the dam of the Cement Mills, and I do not suppose that it is your intention to put a

fish-way over that at the State's expense. Dam No. 4 is 12 miles above Shepherdstown by the river; it is built of stone and is about 18 feet from water to water. Dam No. 5 is two or three lower than No. 4, but is similar in construction. It will not be possible with the amount appropriated, to build fish-ways with water-way wider than 30 inches. This is wider than they can be built under the old forms, but is hardly in proportion to the vol. of the water. In the case of No. 6, (Caeopon dam) I propose to let the fish-way into the dam itself at the Maryland end, unless the Canal Company objects to cutting the dam; and if so, to adopt there the same construction as in the other cases, which is as follows: 1st. The upcast buckets to be of No. 22 sheet iron. 2nd. The remainder of the structure to be of timber—the whole, tied together firmly by $\frac{1}{2}$ in. round iron rods.

In all cases the fish-ways will be sheltered behind the abutments. The water being conducted to the head of the way by a sluice-way leading from the crest of the dam. The fish-way will be built with a return section, so as to deliver the water in the angle between the abutment and the dam.

The platform of the sluice-way will be strong enough to withstand floods and ice. The fish-way itself will be securely protected by the abutment. If the general plan, dimensions and materials meet your approval, I think we can arrange terms satisfactory on all sides; though if three only were to be built, I should be more certain of not undertaking the work without any remuneration. It will be practicable to have all ready in time for the spring run of fish, unless unusual high waters or cold should intervene; but to accomplish this, it is important that arrangements should be entered into at once and the iron work ordered.

Yours truly,

M. MACDONALD.

After receiving the communication above set forth, I entered into an agreement with The MacDonald Fish-way Company, for the construction and erection of fish-ways over Dams Nos. 4,

words, figures and of the tenor following, to wit:

WASHINGTON, D. C., October 18th, 1882.

This agreement made and entered into this tenth day of October, 1882, between G. W. Delawder, Commissioner of Fisheries for Maryland of the first part, and the MacDonald Fish-way Company, through their President, M. MacDonald of Washington, D. C. of the second part, witnesseth, that the said party of the second part in consideration of the sum of twenty-four hundred dollars to be paid by the party of the first part, do bargain and agree to erect upon Dam No. 4 on the Potomac River, a fish-way of the MacDonald pattern, according to the specifications herein-after given; and likewise to erect upon dams numbers 5, 6 and 7, fishways of this pattern and dimensions as hereinafter specified. Second, the fish-way shall in each case be what is termed a single or standard way, having a width of water-way of twenty-nine and one half inches, and a depth upon the way of from ten to fifteen inches, depending upon the stage of water. The center buckets to be of cypress, also the stringers and all the interior or wood-work. The framing, flooring and sides to be of oak or yellow pine. The iron buckets to be of No. 14 wrought iron, coated with asphalt. The whole structure to be tied with iron bolts or rods one-half inch in diameter, and at intervals of one foot apart. The construction being as indicated in the model furnished the Commissioner of Fisheries of Maryland, and which is a part of this agreement. At Dams Nos. 4, 5 and 7, the fish-ways will be sheltered in each case behind the abutments of dam, and built with an elbow as shown in drawing communicated to the Commissioner of Fisheries of Maryland, in a letter. At Dam No. 6 it is proposed to cut the fish-way into the apron of the dam on the Maryland side, unless this be found impracticable, in which case the same plan is to be adopted for dam No. 6, as for the others. The said party of the second part agrees to construct these fish-ways in the most substantial and durable manner, and to complete the same with as little delay as possible. The said party of the first part, agrees to pay the sum of six hundred dollars upon the completion of each of the above 5, 6 and 7 on the Potomac River; said agreement being in the

described fish-ways, at dams numbers, viz : 4, 5, 6 and 7, Potomac River.

The 1st part, G. W. DELAWDER,

Commissioner Fisheries, Western Shore, Maryland.

{ SEAL. }

The 2nd part, The MacDonald Fish-way Co.

{ SEAL. }

Under the agreement above set forth The MacDonald Fish-way Company erected a fish-way over dam, No. 4 in accordance with the terms thereof as will appear by the following letter:

WASHINGTON, D. C., December 8th, 1882.

DEAR MR. DELAWDER:

The Col. and I returned from dam No. 4 last night, and have to report the completion of the way there, and is all right, and was approved by the Col. as all right, there is not quite as much water running over at present as would be necessary to show off at best advantage, but by spring-time and running season will have all and more than is necessary, only 5 inches going over now. Hope you may find time to visit it soon and see how it suits you, and meet Mr. Simmons who will go with you any time you may designate, to Dam No. 4, also to Monocacy, good man and has made a good job—one that will stand. The Col. and I were pleased with it, and believe you will be, it cost \$590.00 to build, so you will see we have not made big profits on that one.

Please let us hear from you when you see the same. Simmons will be down here next week, will then see about the others to be built.

In haste, I am yours truly,

S. C. BROWN.

G. W. DELAWDER, Oakland, Md.

After the erection of the fish-way over dam No. 4, as shown by the above letter, the MacDonald Fish-way Co. announced itself

ready and prepared to complete the erection of said fish-ways as soon as the water and weather would permit, which will appear by the two following letters:

WASHINGTON, D. C., December 22nd, 1882.

G. W. DELAWDER, Esq.,

Commissioner of Fisheries, Oakland, Md.

Dear Delawder:

Dr. Simmons, the business Superintendent of the MacDonald Fish-way Co., is now prepared to proceed energetically in the erection of whatever fish-ways may be required in Maryland, all the preliminary arrangements having been made to do the work satisfactorily and on the very best terms. He is very anxious to meet you, and if possible to go with you to some portions of the State. By examining one or two streams, and discussing the matter you may arrive at a general conclusion in regard to the dimensions and location of fish-ways that will be satisfactory to all sides.

Please write to me, or direct to Dr. Simmons, Charlestown, W. Va., making an appointment with him for the purpose. By giving him notice a day or two in advance, he will be prepared to go whenever it suits your convenience.

Mr. S. C. Brown has been very much disappointed not to hear from you, and is looking for a letter and remittance by every mail.

M. MACDONALD,

Commissioner of Fisheries, of Va.

WASHINGTON, D. C., February 25th, 1883.

DEAR MR. DELAWDER:

Yours at hand, and in reply would say, you can get what Carp you want this week, unless your wants are too large.

As regards the Fish-ways—just as soon as the water and weather are suitable, the work will go forward to complete the other ways. We are as anxious as you to get them done, as we will have more to do than we can possibly get done before

cold weather sets in next fall. Hoping soon to see you,
I remain truly yours,

S. C. BROWN.

HON. G. W. DELAWDER, Oakland, Md.

In May, 1883, The MacDonald Fish-way Company, having the fish-ways all constructed and ready to be put in place in accordance with its agreement, sent its men upon the premises to erect them. These men were not allowed to proceed with their work, but were prevented from putting up said fish-ways by the Chesapeake and Ohio Canal Company, or its agents and servants, which will appear by the following letter :

WASHINGTON, D. C., August 7th, 1883.

DEAR MR. DELAWDER :

Yours at hand and should have answered before, but was waiting to hear from Mr. Simmons who was here yesterday. On his way down here, he rode with Mr. Smith, Superintendent of the Canal Company, and per his advice, he is to submit the proposed plan of construction to the meeting of the Board at Berkeley Springs; and Mr. Smith said it would then come up for action, and we would know what could be done. You see we are powerless to construct without their consent, and had we have had the same, the ways would have all been in before this, as men were sent, as I said, in May, to construct but were not allowed to go on with their work. Perhaps would be well for you to go down and see them while they are in session.

One of us has to go to Oswego River in New York, to construct 3 ways, and one to Augusta, Ga. for another.

Will write you again when I hear from Dr. Simmons.

Hastily yours,

S. C. BROWN.

G. W. DELAWDER, Esq., Oakland, Md.

I am informed that subsequent to the date of the last letter, the Board of Directors of the Chesapeake and Ohio Canal Co. appointed a committee of that body to take some action with

reference to the erection of fish-ways over said dams on the Potomac River, but what action has been taken by said committee, if any, I am not advised. I have endeavored to the best of my ability to perform my duty in the premises, and to place fish-ways over said dams as contemplated by the Act of 1882, Chapter 440, and I feel justified in saying that the MacDonald Fish-way Company has been not only ready and willing, but anxious to perform its part of the agreement aforesaid, as soon as the consent of Chesapeake and Ohio Canal Company can be obtained.

I have good reason to believe that the consent of said Chesapeake and Ohio Canal Company to erect said fish-ways over said dams will be given, but, until it is given, nothing more can be done toward the erection of said fish-ways.

I here submit the following letter:

WASHINGTON, D. C., September 11th, 1883.

DEAR MR. DELAWARE:

Yours at hand, and after showing the same to Col. MacDonald was sent to Dr. Simmons at Oswego, N. Y., where Doctor will be detained ten days or perhaps two weeks longer before he can get back. But as we understand the appropriation law, if the money is drawn and the contract signed, it represents the carrying out of the law; there are thousands of dollars yearly, of our appropriations, that are not paid on contract, and even months and a year elapse before contracts are completed, but still holds good.

In this case we were on the ground to fulfil our part, but could not, for reasons already given, and we intended to have put them during June and July, but could get nothing from you, and of course could not delay other contracts, after we had sent to carry out ours with you, and could not proceed, but see no reason for fear, for we can get through with them yet before fish run, and will do so as soon as Doctor can complete these under construction; and, as I have said, the intent of the law is carried out now, all you have to do is to *draw the money*; as soon as the Doctor can, he will meet yourself and Canal Co., and locate the ways and construct.

The Col. goes to Virginia in the morning.

Rest easy, you will come out all right.

Yours very truly,

S. C. BROWN.

HON. G. W. DELAWDER, Oakland, Md.

Of the amount appropriated by the Act of 1882, Chapter 440, I have expended for the fish-way already constructed and placed in position, and the construction of the other three not placed in position, the sum of twelve hundred dollars, as will appear by the two following receipts:

THE MACDONALD FISH-WAY COMPANY.

\$600.00.

WASHINGTON, D. C., Oct. 9th, 1882.

Received of G. W. Delawder, Commissioner of Maryland Fish and Fisheries, Six Hundred Dollars, on account of the four fish-ways being constructed over the 4 Canal Dams, on Potomac River.

MACDONALD FISH-WAY COMPANY,

S. C. Brown, Sec'y and Treas'r.

THE MACDONALD FISH-WAY COMPANY.

\$600.00.

WASHINGTON, D. C., Jan. 3rd, 1883.

Received of G. W. Delawder, Commissioner of Fish and Fisheries of Maryland, Six Hundred Dollars, on account of the four fish-ways being constructed over the 4 Canal Dams, on the Potomac River.

MACDONALD FISH-WAY COMPANY,

S. C. Brown, Sec'y and Treas'r.

The remaining part of said appropriation to wit: The sum of twenty hundred dollars I have deposited in the Western National Bank of Baltimore, to the credit of the Fish-ways, which is ready to be paid to the MacDonald Fish-way Company as soon as the said company is allowed by the Chesapeake and Ohio Canal Company to place the three fish-ways already constructed, in position, and thus complete its contract.

Whilst I deem the above all that is necessary for me to state in the premises, I am ready, and will cheerfully furnish any additional information in my possession, or answer any interrogatories that may be propounded to me by your Honorable Body. The fish-way already erected over Dam No. 4 has withstood the floods of water and ice, and has proven a grand success in every particular. I am extremely anxious that the other three ways should be placed in position at the earliest possible moment, and have done everything in my power to attain that end.

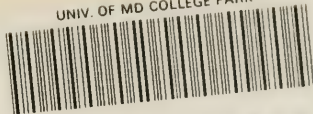
I heard of the order adopted by your Honorable Body, through the newspapers, and deemed the matter of sufficient importance to warrant me in making this report without awaiting official notification from you. All of which is respectfully submitted.

G. W. DELAWDER,

Fish Commissioner, Western Shore.

February 23, 1884.

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